



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

TAL
Docket No: 4552-13
16 April 2014

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 9 April 2014. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

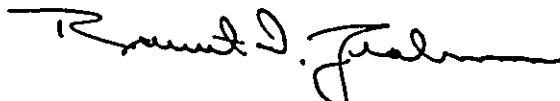
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps and began a period of active duty 24 March 1976 at age 18. On 28 July 1976, you received nonjudicial punishment (NJP) for unauthorized absence from your unit for a period of 12 days. On 15 April 1977, you received NJP for UA from your unit for a period of 32 days. On 21 April 1977, you were convicted in civil court of being an accessory after the fact to robbery. The sentence imposed was \$1,500 fine and probation for two years. On 17 June 1977, you again received NJP for two instances of failure to obey a lawful general regulation, wrongful possession of marijuana and having two open cans of beer while driving your vehicle. Based on the information currently contained in your record it appears that you were subsequently involuntarily processed for an administrative separation by reason of misconduct (frequent involvement). In connection with this processing, you would

have acknowledged the separation action and the separation authority would have approved a recommendation for separation. You waived your right to an administrative discharge board (ADB). The record clearly shows that on 1 August 1977, you were discharged with an other than honorable characterization of service by reason of misconduct (frequent involvement). The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given the seriousness and repetitiveness of your misconduct that resulted in three NJPs and a civil conviction. The Board noted that you waived the right to an ADB, your best chance for retention or a better characterization of service. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert D. Zsalmán".

ROBERT D. ZSALMAN
Acting Executive Director